

15 Wednesday, June 8, 2016

17 Whereupon, the above-referenced matter
18 came on for hearing at the Alcoholic Beverage
19 Control Board, Reeves Center, 2000 14th Street,
20 N.W., Suite 400S, Washington, D.C. 20009.

1

2 BOARD MEMBERS PRESENT

3 NICK ALBERTI, BOARD MEMBER

4 RUTHANNE MILLER, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7

8 ALSO PRESENT:

9 ZACHARY SHAPIRO

10 ANIL SHARMA

11 VERNON LEFTWICH

12

1 P R O C E E D I N G S

2 STATUS

3 CHAIRPERSON ANDERSON: Our next case is a
4 show cause hearing, case #15-CMP-00811, Crown
5 Liquors, license #88121. Will the parties please
6 identify themselves for the record please.

7 MR. SHARMA: For Crown Liquors, my last
8 name is Sharma, S-H-A-R-M-A, first name is Anil,
9 A-N-I-L.

10 CHAIRPERSON ANDERSON: Good afternoon Mr.
11 Sharma.

12 MR. SHAPIRO: Good afternoon, members of
13 the Board. Zachary Shapiro on behalf of the
14 District of Columbia.

15 CHAIRPERSON ANDERSON: Good afternoon,
16 Mr. Shapiro. Okay, so we're here for a show
17 cause hearing. Are there any preliminary matters
18 in this case?

19 MR. SHAPIRO: No, Mr. Chairman.

20 CHAIRPERSON ANDERSON: Does the
21 government wish to make an opening statement?

22 MR. SHAPIRO: Yes, briefly. This case

1 arises out of failure of the licensee to maintain
2 importation permits. This action is brought
3 under D.C. Official Code 25-119, as well as 23
4 DCMR 1301.1. The district believes that it will
5 be able to meet its burden to prove the
6 allegations alleged in this matter. Thank you.

7 CHAIRPERSON ANDERSON: Thank you. Mr.
8 Sharma, do you -- have you ever been in a hearing
9 before, sir?

10 MR. SHARMA: I have --

11 CHAIRPERSON ANDERSON: I'm just trying to
12 -- if you understand.

13 MR. SHARMA: Yeah, I've been here before
14 once in the morning.

15 CHAIRPERSON ANDERSON: Okay, so do you
16 understand the process? How this process goes?

17 MR. SHARMA: Not entirely, but I want to
18 explain my case.

19 CHAIRPERSON ANDERSON: All right, so do
20 you want to -- at this juncture you can give an
21 opening statement or you can wait until the
22 government presents its case and then you can

1 give an opening statement and present your case,
2 so which one do you want to do at this juncture?

3 MR. SHARMA: Okay, so my opening
4 statement will be that I have brought some copies
5 also and I don't think that I'm at fault right
6 now because I think it's a case of fraud. It's
7 not negligency, and I'll prove it later on.

8 CHAIRPERSON ANDERSON: All right, well
9 I'll see where we go when you present your case,
10 sir. Does the government wish to call its first
11 witness?

12 MR. SHAPIRO: Yes, Mr. Chairman.
13 Investigator Vernon Leftwich.

14 CHAIRPERSON ANDERSON: Mr. Leftwich, can
15 you raise your right hand, please? Do you swear
16 or affirm to tell the truth and nothing but the
17 truth?

18 MR. LEFTWICH: I do.

19 CHAIRPERSON ANDERSON: All right, thank
20 you, have a seat please. Your witness, Mr.
21 Shapiro.

22 MR. SHAPIRO: Thank you, Mr. Chairman.

1 Can you say and spell your full name for the
2 record?

3 MR. LEFTWICH: Vernon Leftwich. Vernon
4 is V-E-R-N-O-N, Leftwich is L-E-F-T-W-I-C-H.

5 MR. SHAPIRO: With whom are you employed?

6 MR. LEFTWICH: The Alcoholic Beverage
7 Regulation Administration.

8 MR. SHAPIRO: How long have you worked at
9 ABRA?

10 MR. LEFTWICH: Since July of last year.

11 MR. SHAPIRO: July of 2015?

12 MR. LEFTWICH: Yes.

13 MR. LEFTWICH: And what's your position
14 with them?

15 MR. LEFTWICH: I'm an ABRA investigator.

16 MR. SHAPIRO: What are the job duties of
17 an ABRA investigator?

18 MR. LEFTWICH: ABRA investigators conduct
19 investigations and inspections at licensed ABC
20 establishments throughout the District of
21 Columbia.

22 MR. SHAPIRO: And where did you work

1 prior to being in the employ of ABRA?

2 MR. LEFTWICH: I was in the social work
3 field.

4 MR. SHAPIRO: Okay. And what was your
5 position in the social work field?

6 MR. LEFTWICH: My last position was as a
7 supervisor.

8 MR. SHAPIRO: And in your position as a
9 supervisor did you ever have to go in the field
10 and draft reports?

11 MR. LEFTWICH: Yes.

12 MR. SHAPIRO: Okay, and how long were you
13 employed at that position?

14 MR. LEFTWICH: Two and a half years,
15 almost three years.

16 MR. SHAPIRO: And was that within the
17 District of Columbia government as well?

18 MR. LEFTWICH: No, it was a grant funded
19 by the Federal government.

20 MR. SHAPIRO: Okay. So, let's talk about
21 the case we're sitting here today about it, the
22 matter involving Crown Liquors.

1 MR. LEFTWICH: Okay.

2 MR. SHAPIRO: Can you advise the Board
3 how you came to the attention of Crown Liquors?

4 MR. LEFTWICH: I was conducting
5 regulatory inspections and I had a number of
6 establishments along Connecticut Avenue and I
7 entered into the establishment and I went about
8 my regular routine of conducting the regulatory
9 inspection, asking for the ABRA licenses, the ABC
10 manager/owner that's on duty and a part of the
11 inspection is to check to see if there are proper
12 records being stored on site which includes the
13 invoices that are numbers of the purchases of the
14 alcoholic beverages that are there and if there
15 are any alcohol beverages that have been
16 purchased outside of the District of Columbia.
17 I'm also looking and requesting for the
18 importation permits that are attached to each
19 invoice.

20 MR. SHAPIRO: Mr. Chairman may I
21 approach?

22 CHAIRPERSON ANDERSON: Sure.

1 MR. SHAPIRO: I'm approaching with
2 [inaudible 14:11:00] Now, as an investigator do
3 you have to draft case reports?

4 MR. LEFTWICH: Yes.

5 MR. SHAPIRO: And just to go back over
6 your, I guess, interaction with Crown Liquors, do
7 you remember the date of the incident in question
8 when you entered?

9 MR. LEFTWICH: November 17, 2015.

10 MR. SHAPIRO: Okay and what was the
11 result of your regulatory inspection?

12 MR. LEFTWICH: The result of my
13 regulatory inspection was that there were
14 invoices present that were from outside of the
15 District of Columbia, specifically Virginia and
16 there were no importation permits that were
17 attached to or stored with those specific
18 invoices.

19 MR. SHAPIRO: And when you say
20 importation permits, do you mean there was one or
21 more than one?

22 MR. LEFTWICH: There was a folder and in

1 the folder there were more likely a number. I do
2 not remember specifically. But I do know that he
3 provided with a photo labeled Global Wine --
4 Global Wine and Spirits -- and in that folder is
5 where I saw the invoices from the -- with the
6 Virginia address on it.

7 MR. SHAPIRO: And is this documented in
8 your case report?

9 MR. LEFTWICH: Yes.

10 MR. SHAPIRO: And may I approach again,
11 Mr. Chairman?

12 CHAIRPERSON ANDERSON: Sure, go ahead.

13 MR. SHAPIRO: Is this your signature at
14 the bottom of -- the bottom of page 2 of the case
15 report?

16 MR. LEFTWICH: Yes.

17 MR. SHAPIRO: Okay and who's signature is
18 that beneath yours?

19 MR. LEFTWICH: The chief of enforcing ,
20 Mr. Johnnie Jackson.

21 CHAIRPERSON ANDERSON: I can't, no one
22 can hear anything up here. There was a question;

1 I don't know what the answer was.

2 MR. SHAPIRO: Who's signature is that
3 below your signature on the bottom of that page?

4 MR. LEFTWICH: The chief of enforcement.

5 MR. SHAPIRO: Okay. And is it normal
6 protocol that he sign your investigative report?

7 MR. LEFTWICH: Yes.

8 MR. SHAPIRO: Okay, turning to the next
9 page, what is -- what's this exhibit to your
10 investigative report?

11 MR. LEFTWICH: This is a copy of the
12 actual regulatory inspection that was conducted
13 on that date.

14 MR. SHAPIRO: Okay, and towards the
15 middle of the page, middle top of the page, there
16 is a name there under ABC managers. Do you
17 recall -- or what does that say?

18 MR. LEFTWICH: Mr. Anil Sharma.

19 MR. SHAPIRO: Okay, and is Mr. Sharma
20 sitting in the hearing today?

21 MR. LEFTWICH: Yes.

22 MR. SHAPIRO: Okay, and is he sitting to

1 my left?

2 MR. LEFTWICH: Yes.

3 MR. SHAPIRO: Okay, and so when you
4 performed the regulatory inspection is that on
5 the date of the incident?

6 MR. LEFTWICH: Yes.

7 MR. SHAPIRO: Does this mean that Mr.
8 Sharma was there on that day?

9 MR. LEFTWICH: Yes, he was the ABC
10 manager present and on duty at the time.

11 MR. SHAPIRO: Okay, and towards the
12 bottom it says, 'remarks to include confirmation
13 or discrepancy in hours' and lists other
14 pertinent licenses. What did you include there?

15 MR. LEFTWICH: The name of the
16 distribution company which is Global Wine
17 Distribution in Virginia, it being the state that
18 it's from outside of D.C. and I listed that there
19 were no importation permits.

20 MR. SHAPIRO: Okay, and is that your
21 signature at the bottom in the middle?

22 MR. LEFTWICH: Yes, with my badge number,

1 #27.

2 MR. SHAPIRO: Okay, and did you make Mr.
3 Sharma, I guess, sign this regulatory inspection?

4 MR. LEFTWICH: Yes, and I made him aware
5 of the regulation and he informed me that he
6 would reach out to the -- to the contact or sales
7 representative. He called while I was there
8 present, and he didn't get an answer, and he left
9 a voicemail and he informed me that he would get
10 copies of those importation permits because he
11 felt he was confident that the taxes had been
12 paid on the alcohol beverages to be transported
13 into D.C.

14 MR. SHAPIRO: So, Mr. Sharma -- strike
15 that. Did Mr. Sharma tell you that there were
16 not importation permits?

17 MR. LEFTWICH: He -- I don't remember
18 verbatim what he said but he didn't know why they
19 weren't there.

20 MR. SHAPIRO: Okay, so Mr. Sharma told
21 you the permits were not there with the invoices,
22 correct?

1 MR. LEFTWICH: Yes.

2 MR. SHAPIRO: And what's your
3 understanding of what permits need to be
4 accompanying the purchase of --?

5 MR. LEFTWICH: My understanding is that
6 any purchases made outside of the District of
7 Columbia the importation permit should be
8 accompanied in transport to the establishment and
9 then the licensee, when accepting the importation
10 permits to maintain them with the records for a
11 minimum of three years.

12 MR. SHAPIRO: And you indicated that Mr.
13 Sharma was going to make a phone call to the
14 distributor?

15 MR. LEFTWICH: Yes.

16 MR. SHAPIRO: At any point subsequent to
17 you entering the premises on this date, did Mr.
18 Sharma or anyone else from Crown Liquors provide
19 you importation permits?

20 MR. LEFTWICH: No.

21 MR. SHAPIRO: And, when you came back to
22 the office to, I guess, do records -- actually,

1 strike that. Are there -- what's the process or
2 licensing process for distributors to have to
3 have importation permits with the sale of their
4 beverages? I can rephrase that.

5 MR. LEFTWICH: Please.

6 MR. SHAPIRO: What distributors need to
7 have imported permits with their --

8 MR. LEFTWICH: Distributors located
9 outside of the District of Columbia.

10 MR. SHAPIRO: Now, if there are -- are
11 distributors located outside the District of
12 Columbia that have offices or warehouse within
13 the District of Columbia then they would have had
14 approval by the Board to distribute within the
15 District of Columbia without providing the
16 importation permits because they would also have
17 a license to distribute.

18 MR. SHAPIRO: Okay, did you ever do such
19 a search on Global Wines of Virginia?

20 MR. LEFTWICH: Yes.

21 MR. SHAPIRO: What was the result of that
22 search?

1 MR. LEFTWICH: That they did not have a
2 license to distribute within the District of
3 Columbia.

4 MR. SHAPIRO: So, that would mean that
5 they would need to have?

6 MR. LEFTWICH: Importation permits.

7 MR. SHAPIRO: Okay. Now, are there other
8 Global Wines entities other than Global Wines in
9 Virginia, do you recall?

10 MR. LEFTWICH: That I'm aware of, yes, I
11 believe there is a Global Wine distributor of
12 Maryland.

13 MR. SHAPIRO: Okay and do they require
14 importation permits if you recall?

15 MR. LEFTWICH: No, the last search that I
16 did they have an active license to distribute
17 within D.C.

18 MR. SHAPIRO: Also, turning back to the
19 second page of your investigative report, there
20 is a section titled Investigative History.

21 MR. LEFTWICH: Yes.

22 MR. SHAPIRO: There's number four under

1 investigative history. Mr. Chair, may I approach
2 again?

3 CHAIRPERSON ANDERSON: Sure.

4 MR. SHAPIRO: What does number four of the
5 investigative history indicate?

6 MR. LEFTWICH: This indicates that on
7 October 22, 2012, there was a case in regards to
8 import permits for this establishment and they
9 were given a warning, citation #8179. From my
10 understanding of this it was due to not having
11 importation permits as well.

12 MR. SHAPIRO: Mr. Chairman I'm handing
13 Investigator Leftwich a citation dated October
14 22, 2012. Investigator Leftwich, in looking at
15 this citation that was issued in 2012 is there a
16 -- I guess a CMP number on that?

17 MR. LEFTWICH: Yes, the CMP number is
18 00658.

19 CHAIRPERSON ANDERSON: Mr. Shapiro, can
20 you share? I don't have a copy -- do you have an
21 extra copy?

22 MR. SHAPIRO: I do.

1 CHAIRPERSON ANDERSON: All right, can you
2 share those with the Board, please?

3 MR. SHAPIRO: I have several copies.

4 CHAIRPERSON ANDERSON: Go ahead.

5 MR. SHAPIRO: So, you were saying that
6 there is a CMP number of 12-CMP-00658 on that
7 citation?

8 MR. LEFTWICH: Yes.

9 MR. SHAPIRO: Does that match the number
10 four on your investigative history?

11 MR. LEFTWICH: Yes.

12 MR. SHAPIRO: Okay, and what is this
13 citation indicating?

14 MR. LEFTWICH: This citation indicates
15 that, again, on 10/22/12, about 1:30 -- at
16 approximately 1:30 p.m., there was an
17 investigator who, more than likely, conducted a
18 regulatory inspection and found that the same
19 establishment was lacking importation permits as
20 well.

21 MR. SHAPIRO: So, to the best of your
22 ability, or the best of your knowledge, this

1 citation was the citation that was mentioned in
2 your investigative history?

3 MR. LEFTWICH: Yes.

4 MR. SHAPIRO: Mr. Chairman, I'd like to
5 move into evidence the citation as well as
6 Investigator Leftwich's investigative report.

7 CHAIRPERSON ANDERSON: Mr. Sharma, do you
8 have any objection to the document?

9 MR. SHARMA: I'm sorry, I didn't hear
10 your question.

11 CHAIRPERSON ANDERSON: I can't hear you.

12 MR. SHAPIRO: I made a motion to move
13 this investigative history and this prior
14 citation into evidence for the Board to consider.

15 MR. SHARMA: Okay, sure.

16 CHAIRPERSON ANDERSON: All right, it's so
17 moved.

18 MR. SHAPIRO: The court's indulgence. I
19 might have asked this already, investigator
20 Leftwich, but when you were doing the regulatory
21 inspection in November of 2015, do you recall how
22 many invoices there were from Global Wines in

1 Virginia?

2 MR. LEFTWICH: No.

3 MR. SHAPIRO: Okay, there was at least
4 one, though.

5 MR. LEFTWICH: There was at least one,
6 yes.

7 MR. SHAPIRO: And there was possibly
8 more?

9 MR. LEFTWICH: Yes.

10 MR. SHAPIRO: That's all I have.

11 CHAIRPERSON ANDERSON: Do you have any
12 more questions?

13 MR. SHAPIRO: No, nothing further.

14 CHAIRPERSON ANDERSON: Mr. Sharma, this
15 is your opportunity, you can ask the
16 investigator.

17 MR. SHARMA: Okay, the record, this --
18 the one which was entered on your research, of
19 10/22/12 at 1:30 p.m. We open the store in 2012
20 and this was a Dupont Fine Wines store before,
21 and the reason why we were only given a warning
22 for the invoices at that time.

1 MR. SHAPIRO: I'm going to object, that
2 doesn't appear to be a question.

3 CHAIRPERSON ANDERSON: Well, I mean, I'm
4 still waiting to see if there's a question, so --

5 MR. SHARMA: I'm actually, I'm not a
6 lawyer, sir, so you'll have to bear with me.

7 CHAIRPERSON ANDERSON: That's one of the
8 reasons why Mr. Shapiro's objecting but I'm
9 waiting to see if you're -- if you --

10 MR. SHARMA: Okay, my question was that
11 if your investigation was not for Crown Liquors
12 but for the DuPont invoices they were checking.
13 Okay, and secondly these further two invoices you
14 were talking about, can I bring this up there?

15 CHAIRPERSON ANDERSON: You need to show
16 it to Mr. Shapiro first, to make sure he sees it.

17 MR. SHAPIRO: I believe I have a copy.

18 CHAIRPERSON ANDERSON: Okay, then do you
19 have an extra copy so we can look at it so at
20 least we'll know what you're looking at, but you
21 can show it to Mr. Leftwich. Why don't you ask
22 him to identify the document, sir?

1 MR. SHARMA: These were the copies?

2 CHAIRPERSON ANDERSON: Ask him to
3 identify what is it you just showed him.

4 MR. SHARMA: Yes.

5 CHAIRPERSON ANDERSON: No, I'm telling
6 you to ask him to identify the document that you
7 just showed him.

8 MR. SHARMA: Can you identify these
9 documents?

10 MR. LEFTWICH: These look to be two
11 separate Global Wine invoices, one of which says
12 Global Wine Distribution D.C. and there is
13 another invoice that says Global Wine
14 Distribution, Virginia.

15 MR. SHAPIRO: [inaudible 27:47]

16 MR. LEFTWICH: Yes.

17 CHAIRPERSON ANDERSON: Do you want --
18 what is it -- do you want -- any other questions?

19 MR. SHARMA: That's all the questions I
20 have for him.

21 CHAIRPERSON ANDERSON: All right, and so
22 do you want those two documents to be a part of

1 the record?

2 MR. SHARMA: Yes, sir.

3 CHAIRPERSON ANDERSON: So, you can ask
4 then that you'd like these documents to be a part
5 of the record and then I'll ask Mr. Shapiro if he
6 has an objection. He wants to put those two
7 documents -- make those two a part of his -- the
8 record.

9 MR. SHAPIRO: I have no objection to the
10 Global Wines of Virginia invoice being in the
11 record. I do have relevancy concerns of the
12 Global Wines of D.C. invoice being introduced
13 into the record.

14 MR. SHARMA: The relevance, we will show
15 the relevance when done.

16 CHAIRPERSON ANDERSON: All right, what I
17 will do then, I will admit the Global Wine of
18 Virginia -- that's a part of the record. You can
19 hold onto the other one and if -- if -- when you
20 present your case you can also utilize it again
21 and then you can also move at that juncture to
22 make it a part of the record because since the

1 government is objecting, and I don't see the
2 relevancy of it as yet, and as you stated, you
3 will show later on, so why don't you later on --
4 you can use the document again, so we'll take the
5 Virginia one and the Virginia one is identified
6 as Exhibit 1.

7 MR. SHARMA: Okay, sir.

8 CHAIRPERSON ANDERSON: We're going to
9 take that from you, so give her the Virginia one,
10 please. Do you expect to get it back because
11 we're not going to give it back to you, no, no.
12 No, we're only taking, I'm only taking the one
13 from Virginia. Do you want it back? Because I'm
14 keeping it.

15 MR. SHARMA: Okay, that's not a problem.

16 CHAIRPERSON ANDERSON: All right, I just
17 want to make sure that once you give it to me
18 you're not getting it back.

19 MR. SHARMA: Okay.

20 CHAIRPERSON ANDERSON: Okay. So you have
21 no other questions for him? All right, do you
22 have any questions from the Board for Mr.

1 Leftwich? Mr. Alberti.

2 MR. ALBERTI: Since the topic was brought
3 up, Mr. Leftwich, to your recollection were there
4 any Global Distributors -- I forget the name of
5 the company -- but were there any invoices from
6 this Global whatever their name is -- Global
7 Distributors of D.C. --

8 MR. SHARMA: Yes.

9 MR. ALBERTI: -- that you saw in the
10 folders when you were there?

11 MR. LEFTWICH: Yes.

12 MR. ALBERTI: Okay just so I understand,
13 you recollect seeing the Global Distributors of
14 D.C. in the invoices that were present when you
15 visited the store?

16 MR. LEFTWICH: Yes.

17 MR. ALBERTI: Thank you very much. That's
18 all I have. Thank you.

19 CHAIRPERSON ANDERSON: Any other
20 questions? Mr. Sharma, do you have any further
21 questions you'd like to ask Mr. Leftwich based on
22 the question asked by Mr. Alberti?

1 MR. SHARMA: He was doing his job and he
2 done it very well so I have no questions for him.

3 CHAIRPERSON ANDERSON: Mr. Shapiro, do
4 you have any questions for Mr. Leftwich based on?

5 MR. SHAPIRO: Just some brief follow-up.

6 CHAIRPERSON ANDERSON: Sure, go ahead
7 sir.

8 MR. SHAPIRO: Do you have a copy of this
9 in front of you?

10 MR. LEFTWICH: The invoices?

11 MR. SHAPIRO: Correct.

12 MR. LEFTWICH: No.

13 MR. SHAPIRO: May I approach again?

14 CHAIRPERSON ANDERSON: Sure.

15 MR. SHAPIRO: Do you remember if this was
16 the invoice -- one of the invoices that you
17 reviewed in November of 2015?

18 CHAIRPERSON ANDERSON: Can you also ask
19 him to identify the document, please?

20 MR. SHAPIRO: Sure. What document are
21 you look at now?

22 MR. LEFTWICH: I'm looking at an invoice

1 which is Global Wine Distributor of Virginia
2 which is very faint because it's yellow print,
3 but I can tell that says Virginia, but it's an
4 invoice.

5 MR. ALBERTI: Can I ask a clarifying
6 question just for the record? Just for the
7 record, Mr. Shapiro, is this the Exhibit that was
8 marked as Defendant's Exhibit 1?

9 MR. SHAPIRO: Correct.

10 MR. ALBERTI: Okay, I'm just doing that
11 for the record. Thank you.

12 MR. SHAPIRO: So, are you looking at
13 Defendant's Exhibit 1?

14 MR. LEFTWICH: Yeah.

15 MR. SHAPIRO: Okay. Is there a date on
16 that invoice?

17 MR. LEFTWICH: No. Yes, I'm sorry, yes
18 there is. It says July 10, 2015.

19 MR. SHAPIRO: Okay, so that was prior to
20 your regulatory inspection.

21 MR. LEFTWICH: Yes.

22 MR. SHAPIRO: Okay, so that quite

1 possibly could have been one of the invoices that
2 you -- I guess -- flagged?

3 MR. LEFTWICH: Yes.

4 MR. SHAPIRO: Okay. Was there any
5 importation permit with that invoice?

6 MR. LEFTWICH: No, there were no
7 importation permits in the Global Wine
8 Distributors' folder at all.

9 MR. SHAPIRO: Okay, so you've never
10 received -- you've never seen, you've never
11 received an importation permit and inspected
12 that?

13 MR. LEFTWICH: No, not at all.

14 MR. SHAPIRO: That's all I have.

15 CHAIRPERSON ANDERSON: Thank you. Thank
16 you, Mr. Leftwich. Do you have any other
17 witnesses, sir?

18 MR. SHAPIRO: That's it, Mr. Chairman.

19 CHAIRPERSON ANDERSON: Does the
20 government rest?

21 MR. SHAPIRO: Correct.

22 CHAIRPERSON ANDERSON: Mr. Sharma, how do

1 you -- do you have any witnesses you're planning
2 to call?

3 MR. SHARMA: No.

4 CHAIRPERSON ANDERSON: No?

5 MR. SHARMA: There's only him and me.

6 CHAIRPERSON ANDERSON: All right, can you
7 please stand? Can you raise your right hand? Do
8 you swear or affirm to tell the truth and nothing
9 but the truth?

10 MR. SHARMA: I do, sir.

11 CHAIRPERSON ANDERSON: Okay, thank you.
12 You can present your case, then, sir.

13 MR. SHARMA: Okay, thank you sir. First
14 of all, the invoice that I wanted to enter was
15 the one, it's, let me see. May I approach?

16 CHAIRPERSON ANDERSON: All right. Show
17 Mr. Shapiro. Why don't you explain to us what is
18 that document you have in your hand.

19 MR. SHARMA: I'm trying to -- I also have
20 brought the copies of the invoices which we
21 always put the permits and everything here. This
22 company, Global Wine, comes to you, sells you

1 wine, with a D.C. address on it. Distribution
2 D.C. The second invoice which comes, comes with
3 a Virginia address. What you do in the retail,
4 or when it's a small shop and you look at one
5 it's like, for example, Washington Wholesale,
6 Craft Wines, you look at one time, they had the
7 D.C. address, you don't even looking it over and
8 over again.

9 My only concern is that first time we
10 looked at it, it said D.C. address, so we thought
11 well they a genuine company. At the time when I
12 looked at -- when the inspector was there, I
13 said, 'oh my God, I didn't know that.' So, we
14 started calling -- I started calling the company
15 and it was -- there's no company now. So, you
16 know, I believed this company, it was not only
17 with the [inaudible 35:24], they have product
18 most of the whatever they said the business,
19 that's how they did that.

20 CHAIRPERSON ANDERSON: All right. So,
21 why don't you give us a copy of the other
22 document --

1 MR. SHARMA: Yes, sir.

2 CHAIRPERSON ANDERSON: Have you seen the
3 document, Mr. Shapiro?

4 MR. SHAPIRO: I have. I'll note an
5 objection.

6 CHAIRPERSON ANDERSON: All right, so.

7 MR. SHARMA: I can also come and give you
8 the copies of all the invoices we do the business
9 with and we always have the permits and --

10 CHAIRPERSON ANDERSON: Maybe I don't
11 quite understand. So, you're saying that -- so,
12 where is it that you're saying that it has a D.C.
13 address?

14 MR. SHARMA: It says Global Distributors
15 of D.C. on the top, sir.

16 CHAIRPERSON ANDERSON: So, your position
17 is so -- then what is it you're saying then?

18 MR. SHARMA: My position, sir, is this.
19 That somebody who gives you an invoice with the
20 D.C. address and you --

21 MR. SHAPIRO: I'm just -- I'm going to
22 object to the -- it's not a D.C. address on this

1 invoice.

2 MR. SHARMA: But it says 'Global
3 Distribution D.C.' The District of Columbia.
4 But, anyways, so you just think that this is a
5 genuine company and what and then they turn
6 around and give you an invoice which has a
7 Virginia address on it and you don't actually
8 even bother to look at it.

9 I mean how many times, for example, if I
10 do business with Craft Wine and Spirits, they
11 have the D.C. address in it and you really don't
12 bother -- the companies you have you know that
13 they are doing business, I know I do business
14 with them and I have all the permits to make sure
15 double that we check the permits. So, I, if
16 somebody wants to -- I mean, commit a fraud with
17 you then you get victimized. I mean, it's a
18 strong negligence. We love to do everything by
19 the rules but somebody over-smarts you, then you
20 know. And now I understand the last three
21 months, four months, I've been calling, calling,
22 calling. The Global Wine doesn't exist.

1 CHAIRPERSON ANDERSON: Do you have any --
2 I mean, I'll admit -- I'll admit -- I know that
3 you object, Mr. Shapiro, but I'll admit this
4 document as a part of the record. That's
5 misrepresentation about why this document as part
6 of his representation, so I'll admit this
7 document as Defendant's Exhibit 2. The document
8 that says Global Wines Distribution D.C. I mean
9 I'll let him -- as part of his -- he's trying to
10 make his case and --

11 MR. SHAPIRO: I understand.

12 CHAIRPERSON ANDERSON: -- I'm not sure
13 what the Board is going to do with it but --

14 MR. SHAPIRO: Okay.

15 CHAIRPERSON ANDERSON: So, I guess we'll
16 see as he presents his case further and we'll
17 make a decision if it's --

18 MR. SHAPIRO: Can I have an opportunity
19 to cross?

20 CHAIRPERSON ANDERSON: I'm sorry, yes
21 sir?

22 MR. SHAPIRO: Can I have an opportunity

1 to cross Mr. Sharma?

2 CHAIRPERSON ANDERSON: Of course. We --
3 remember he's sworn in and is a witness so --

4 MR. SHARMA: I also have to make some
5 more copies.

6 CHAIRPERSON ANDERSON: What else do you
7 have to say as part of the presentation of the
8 case, sir?

9 MR. SHARMA: I also have the previous
10 invoices which I can show you all the permits I
11 have in there. I also can -- it's not the first
12 inspection. Every time in last three, four years
13 we've been in business I think I've been
14 inspected about eight times, and this is the only
15 time I -- we -- we did not -- we got outsmarted,
16 I guess, or we -- every year we're getting
17 [inaudible 40:35] but we didn't get all the laws,
18 whatever it is, but this was not -- I really feel
19 from my heart that this was their company's over-
20 smarting.

21 CHAIRPERSON ANDERSON: Do you have
22 anything else you want to state?

1 MR. SHARMA: I'm sorry sir?

2 CHAIRPERSON ANDERSON: I was saying do
3 you have anything else you want to state? Now,
4 because you're also a witness so you're not just
5 a lawyer, so Mr. Shapiro is going to ask you some
6 questions.

7 MR. SHARMA: Okay, sure.

8 CHAIRPERSON ANDERSON: And remember
9 you're under oath, sir.

10 MR. SHAPIRO: Remembering -- or, looking
11 at Defense Exhibit 2, I guess, the invoice from
12 Global Wines Distribution and it says D.C. at the
13 top. Mr. Sharma, there is an icon in the top
14 left hand corner of that invoice.

15 CHAIRPERSON ANDERSON: I'm not sure if we
16 gave him back a copy of it, so you probably need
17 to -- all right.

18 MR. SHAPIRO: There is an icon in the top
19 left hand corner of that invoice.

20 MR. SHARMA: Top left hand?

21 MR. SHAPIRO: Correct.

22 MR. SHARMA: Yeah.

1 MR. SHAPIRO: Can you read to members of
2 the Board what that icon says?

3 MR. SHARMA: It says Global Wines
4 Virginia.

5 MR. SHAPIRO: Okay. Now, Dwight
6 Weidenhammer, who is that?

7 MR. SHARMA: He is a salesperson.

8 MR. SHAPIRO: Okay, and is that his e-
9 mail address below that?

10 MR. SHARMA: That could be his e-mail
11 address, yes.

12 MR. SHAPIRO: Okay, and after that "at"
13 sign in his e-mail address what does it say?

14 MR. SHARMA: I'm that probably be right,
15 I haven't e-mailed him, but it might be.

16 MR. SHAPIRO: Okay, but can you read to
17 the members of the Board what it says.

18 MR. SHARMA: Yeah, it says Dwight
19 Weidenhammer at Global Wines Virginia dot com.

20 MR. SHAPIRO: Is there a date on this
21 invoice?

22 MR. SHARMA: I don't know where it is.

1 It says invoice number, it doesn't say any date.

2 MR. SHAPIRO: Okay. Looking back to this
3 citation that was issued, I guess that would be
4 District Exhibit 2, in 2012, October 22nd, 2012 -
5 -

6 MR. SHARMA: Mm hmm.

7 MR. SHAPIRO: Can you read for the
8 members of the Board who it says the owner was.

9 MR. SHARMA: The owner was me, Sharma
10 Anil Kumar.

11 MR. SHAPIRO: And what was the trade name
12 that this citation was issued to?

13 MR. SHARMA: It was Crown Liquors.

14 MR. SHAPIRO: Okay, and then towards the
15 bottom there's a check.

16 MR. SHARMA: It says warning.

17 MR. SHAPIRO: At the bottom.

18 MR. SHARMA: At the bottom it says Import
19 permits.

20 MR. SHAPIRO: And is that your signature
21 on the bottom right?

22 MR. SHARMA: That's my signature on the

1 bottom, yes.

2 MR. SHAPIRO: Okay. Did you receive this
3 citation back in 2012?

4 MR. SHARMA: I received a warning.

5 MR. SHAPIRO: Okay, but did you receive
6 this actual citation back in 2012?

7 MR. SHARMA: I don't recollect because
8 it's almost four years, five years ago, four
9 years ago, but my signature, I can see my
10 signature.

11 MR. SHAPIRO: Do you remember what the
12 warning was for if there is a specific?

13 MR. SHARMA: There was a warning given.
14 This time I was given a citation. Why was
15 warning given? Because it was not conclusive
16 those invoices were mine or the old ones.

17 MR. SHAPIRO: Okay.

18 MR. SHARMA: Otherwise, there would have
19 been a citation just like the one I have now.

20 MR. SHAPIRO: Okay, now what's your understanding
21 of -- strike that. How do you obtain an
22 importation permit?

1 MR. SHARMA: I don't do that, the
2 companies do that.

3 MR. SHAPIRO: So, you don't, I guess,
4 come into ABRA and get a permit? Does ABRA --

5 MR. SHARMA: I don't come here.
6 Retailers doesn't come here for the permits, the
7 wholesalers come. The wholesalers just like
8 here, the person that is [inaudible 44:54] Staten
9 Island. These guys come in. They apply for a
10 permit here and they get this permit.

11 MR. SHAPIRO: Okay, is it --

12 MR. SHARMA: My -- retailer's
13 responsibility is only to make sure that this
14 company is doing business out of the state they
15 have the permit. The address is -- 90% of the
16 companies have, if they are out of the state,
17 they also have a D.C. address also.

18 MR. SHAPIRO: Okay. So, turning back to
19 Global Wines -- actually, strike that. Going
20 back to what you just said, you just testified
21 that it's the distributor's job to get an
22 importation permit?

1 MR. SHARMA: Yes.

2 MR. SHAPIRO: That's all I have.

3 CHAIRPERSON ANDERSON: All right. Do you
4 have any questions by any Board members?

5 MS. MILLER: I have a question.

6 CHAIRPERSON ANDERSON: Yes, Ms. Miller.

7 MS. MILLER: Just following up on that
8 question, if it's the distributor's job to get
9 the importation permit and you don't receive that
10 permit from the distributor then what do you
11 think your job is, if any?

12 MR. SHARMA: My job, according to the
13 information I have, or the knowledge I have, is
14 to check the permit if it is out of the state --
15 to check this kind of permit, and if they have a
16 D.C. address then we don't require this permit.
17 Many big companies have two addresses on the
18 invoices. One is, if they're in Maryland, they
19 have a D.C. address also. In that case, they
20 just keep the D.C. address because then they
21 don't have to come and spend money to get the
22 permit.

1 MS. MILLER: Okay, so your position that
2 Global Wines of Virginia -- I forget which
3 Exhibit of yours this is.

4 MR. SHARMA: This Global Wines --

5 CHAIRPERSON ANDERSON: Exhibit 2.

6 MS. MILLER: Two.

7 MR. SHARMA: -- Distribution D.C.

8 MS. MILLER: Okay, it's your -- you
9 determine that that's a D.C. distributor how?
10 That's what it -- I mean for a layper -- layman
11 person he would admit that -- if there's a D.C.
12 distribution that means they have a warehouse in
13 D.C. or somewhere.

14 MS. MILLER: Okay, so you're basing that
15 on this invoice?

16 MR. SHARMA: Yes, ma'am.

17 MS. MILLER: Okay, but don't you have to
18 make arrangements with a company ahead of time
19 before you get an invoice? Don't you know who
20 you're ordering from, where they are?

21 MR. SHARMA: No.

22 MS. MILLER: How come? Could you --

1 could you --

2 MR. SHARMA: That -- because when the
3 companies, the salesperson comes and salesperson
4 says I've got this, this, this, this, this, would
5 you be interested to buy it?

6 MS. MILLER: Okay.

7 MR. SHARMA: So, it's things you would
8 like? Yes, I would like to buy it. Now, that
9 is, then the company's responsibility is that
10 Crown Liquors order this and they come here and
11 they apply for a permit and then, along with the
12 stuff, you have to have these two documents
13 there. One is the invoice, one is the permit.

14 MS. MILLER: Okay.

15 MR. SHARMA: And if -- if it's a D.C.
16 address, like I said before, you don't need a
17 permit.

18 MS. MILLER: Okay, I -- so you're saying
19 basically you initiated the relationship with
20 this company through a sales representative who
21 just came and asked if you wanted to order
22 through them. Okay.

1 CHAIRPERSON ANDERSON: You have to
2 answer, sir. I know you're shaking your head,
3 but for the record you have to say yes or no.

4 MR. SHARMA: Okay.

5 MS. MILLER: Okay, my other question is
6 about the last citation.

7 MR. SHARMA: Yes, ma'am.

8 MS. MILLER: What were you alleged to
9 have done wrong the last time?

10 MR. SHARMA: What actually -- we were
11 only in business for three-four months that time
12 and we -- in fact, when we bought that place, it
13 was out of business and it was like all mess and
14 according to my knowledge I had to get -- I have
15 to keep all the invoices for at least three
16 years. And so he says where are the invoices,
17 and I said these are the old invoices, these are
18 the ones we have invoices, so he kept on looking
19 at all those invoices and found a few of them
20 which were the old ones, and that is the reason
21 why I was given a warning and I tried to explain
22 it to him also because these are not ours.

1 MS. MILLER: Okay, I got that. And then,
2 I think my last question is about -- you said
3 that you've been inspected by ABRA investigators
4 like eight times?

5 MR. SHARMA: Yes, I've been inspected at
6 least I the last three-four years about eight
7 times.

8 MS. MILLER: Okay.

9 MR. SHARMA: And every time the invoices
10 are -- they always come and they check the
11 invoices.

12 MS. MILLER: Okay, they have checked the
13 same things. And, there was no problem.

14 MR. SHARMA: No problems at all.

15 MS. MILLER: Okay. Did you have any
16 record of that? I mean often there's a record
17 when there is a problem but I'm just asking you
18 was there any record that you had no problems?

19 MR. SHARMA: Actually, this is also that
20 when ABRA inspects you, you don't get a copy of
21 any inspection. I have asked them for it several
22 times and they said no.

1 MS. MILLER: Okay, that's what I thought
2 too, but I just thought I'd ask in case you had
3 something.

4 MR. SHARMA: No, they don't --

5 MS. MILLER: Thank you.

6 CHAIRPERSON ANDERSON: Hold on one minute
7 please. Go ahead.

8 MR. ALBERTI: So, I'm asking Ms. Walker
9 to get the original of your Exhibit 1 so that I
10 may see it, because sometimes the photocopies
11 just don't come out well. All right.

12 MS. MILLER: What's it -- Exhibit 1?

13 MR. ALBERTI: Okay.

14 MS. MILLER: This is Exhibit 1? Okay.

15 MR. ALBERTI: Okay, okay. So, I have
16 your Exhibit 1 and it says over in the right hand
17 corner it says 'Global' -- it's sort of faded --
18 'Global Wines Virginia' -- do you agree, over in
19 the top right hand corner? Do you not have a
20 copy of it?

21 MR. SHARMA: I -- I --

22 MR. ALBERTI: I just took it? Okay, all

1 right, so fine. I'm good, I'm good, you can give
2 this back to Mr. Sharma, I'm good. Top right
3 hand corner, that little emblem that says 'Global
4 Wines Virginia' is that correct?

5 MR. SHARMA: Yes, sir.

6 MR. ALBERTI: All right. And on the top
7 it says 'Global Wines Virginia' just above Dwight
8 Weidenhammer?

9 MR. SHARMA: Yes, sir, on the top.

10 MR. ALBERTI: Okay, great. And at the
11 bottom it says, at the very bottom it says,
12 'Global Wines Distribution Virginia' is that
13 correct?

14 MR. SHARMA: On the very bottom? 'Global
15 Wines Distribution Virginia' yes.

16 MR. ALBERTI: Okay, great. Is there a
17 date on this?

18 MR. SHARMA: It says invoice number and
19 then it says 2015-7-10, all right. It could be a
20 date, or it could be that invoice number, I don't
21 know.

22 MR. ALBERTI: Okay, so -- okay, that

1 could be a date where it says next to date it
2 says what you just read is next to the word date
3 on the invoice. It says '2015.7.10'

4 MR. SHARMA: Yes, sir.

5 MR. ALBERTI: Okay for argument's sake we
6 could assume that that was December 10th.

7 MR. SHARMA: Yeah. [inaudible 53:42]

8 MR. ALBERTI: I mean July 10 of 2015.
9 Okay. Let's turn now to your Exhibit 2.

10 MR. SHARMA: Okay.

11 MR. ALBERTI: And that says up in the top
12 right hand corner, the little symbol up there
13 says 'Global Wines, Virginia' is that correct?

14 MR. SHARMA: On the left hand side? Yes,
15 sir.

16 MR. ALBERTI: On the top left hand side?

17 MR. SHARMA: Okay.

18 MR. ALBERTI: And on the very bottom it
19 says 'Global Wines Distribution, Virginia'?

20 MR. SHARMA: Yes, sir.

21 MR. ALBERTI: Okay. The one big
22 difference I think that you're relying on is

1 across the top it said Global Wines Distribution
2 and then it says D.C. underneath that. Is that
3 correct?

4 MR. SHARMA: Yes, sir.

5 MR. ALBERTI: All right. Is there a date
6 on this one?

7 MR. SHARMA: It's 2015-5.

8 MR. ALBERTI: But no date -- no day.
9 That's the order number, it doesn't say next to
10 date it doesn't say anything, correct?

11 MR. SHARMA: Same thing like the other
12 one invoice number and that also says invoice
13 number.

14 MR. ALBERTI: All right. So presumably
15 that would be May of 2015.

16 MR. SHARMA: That would be May.

17 MR. ALBERTI: All right.

18 MR. SHARMA: This would be May and then--

19 MR. ALBERTI: Okay, so you testified
20 earlier that you would have gotten these together
21 and you would have not checked the second one or
22 the first one -- you did not check both of them,

1 you would have only checked the one that said
2 D.C. on the top and not check the other one that
3 said Virginia on the top and you would have been
4 fooled because you didn't check both of them, but
5 you have provided no evidence, I don't -- what
6 evidence did you have that you got two of these
7 together?

8 MR. SHARMA: No sir, what I stated was
9 that once you -- because this was -- this is the
10 main one -- this is the first one, and if you
11 would see on the main one we have 12 cases of
12 wine we ordered from them and I looked at the
13 invoice and it had a D.C. because even if it's
14 distribution of Virginia, and even if they have a
15 D.C. address, they still don't require a permit.

16 MR. ALBERTI: Fine. But you still
17 haven't answered my question.

18 MR. SHARMA: And this one --

19 MR. ALBERTI: You still haven't answered
20 my question. Let me rephrase my question.
21 Presumably the two invoices that you provided to
22 us today came to you on different days.

1 MR. SHARMA: Yes, different months.

2 MR. ALBERTI: Different months, great,
3 thank you. You said that you were unable to get
4 a contact for Global Wines Virginia? That's what
5 you said earlier.

6 MR. SHARMA: That's what -- that's
7 exactly -- after when I found out after the
8 inspection and in fact during that same time I
9 took that number and I called and then we googled
10 it and there was no Global Wines on google, no
11 address, nothing.

12 MR. ALBERTI: Did you google
13 globalwinesvirginia.com?

14 MR. SHARMA: Yes, sir.

15 MR. ALBERTI: And you found nothing?

16 MR. SHARMA: We found nothing.

17 MR. ALBERTI: Did you call -- did you
18 call Mr. Weidenhammer.

19 MR. SHARMA: Mr. Dwight, I called him, I
20 couldn't find him.

21 MR. ALBERTI: So, who exactly is the
22 person that you contact to order from?

1 MR. SHARMA: Mr. Dwight.

2 MR. ALBERTI: Mr. Dwight?

3 MR. SHARMA: I've only see him.

4 MR. ALBERTI: Mr. Dwight?

5 MR. SHARMA: Yeah.

6 MR. ALBERTI: That's not, that's the
7 person who's name is on these invoices?

8 MR. SHARMA: Yes, sir. I'm only seeing
9 him --

10 MR. ALBERTI: Where is his -- where is
11 his name on these invoices?

12 MR. SHARMA: Huh?

13 MR. ALBERTI: Where is Mr. Dwight? Oh,
14 okay, Mr. Dwight, I see.

15 MR. SHARMA: Yes.

16 MR. ALBERTI: We're talking about the
17 same people I said Mr. White. Okay. So, Mr.
18 Dwight Weidenhammer, you called him?

19 MR. SHARMA: I called him, I didn't get
20 any answer, and then after six months he called
21 me and he says there is no Global Wines, they're
22 not returning my calls, they're not doing

1 anything, so I cannot help it.

2 MR. ALBERTI: So, you --

3 MR. SHARMA: So I told him --

4 MR. ALBERTI: So -- so -- so is Mr.

5 Dwight Weidenhammer the person you would normally
6 order from if you were ordering from this
7 company?

8 MR. SHARMA: I only ordered a couple of
9 times, sir, and he kept on saying that he went to
10 --

11 MR. ALBERTI: And is Mr. Weidenhammer the
12 same person you ordered from both times?

13 MR. SHARMA: Yes, sir.

14 MR. ALBERTI: Do you know if there is a
15 Global Wines of D.C.?

16 MR. SHARMA: I have not seen them
17 afterwards, I don't think they are in business
18 anymore.

19 MR. ALBERTI: Okay. So, you don't know
20 if they're in business. You don't know -- do you
21 know if they ever existed?

22 MR. SHARMA: In fact, I --

1 MR. ALBERTI: Answer my question. Do you
2 know if they ever existed in D.C.?

3 MR. SHARMA: Do they know if they ever
4 existed in D.C.?

5 MR. ALBERTI: Yes.

6 MR. SHARMA: Now, I don't think that they
7 existed, but then I did not know.

8 MR. ALBERTI: Then when?

9 MR. SHARMA: Then, when we bought it from
10 them.

11 MR. ALBERTI: Okay, thank you, I have no
12 further questions.

13 CHAIRPERSON ANDERSON: Any other
14 questions by any of the Board members? Mr.
15 Shapiro, do you have any questions for Mr. Sharma
16 based on the questions that were asked by the
17 Board?

18 MR. SHAPIRO: I do not, but I'd like to
19 recall Investigator Leftwich when I have the
20 opportunity to do such.

21 CHAIRPERSON ANDERSON: He hasn't finished
22 presenting --

1 MR. SHAPIRO: Right.

2 CHAIRPERSON ANDERSON: After his case at
3 the end. Mr. Sharma, do you have anything else
4 that you want to state as part of the
5 presentation of your case?

6 MR. SHARMA: No, sir.

7 CHAIRPERSON ANDERSON: No? All right.
8 Thank you, sir. Mr. Shapiro, you said you want
9 to have a rebuttal witness. Who is that witness?

10 MR. SHAPIRO: Investigator Leftwich.

11 CHAIRPERSON ANDERSON: Can you call that
12 witness please? Investigator Leftwich you're
13 still under oath please, you're just recalled.

14 MR. SHAPIRO: Just briefly, a couple of
15 questions. We might have gone over this on
16 direct examination but I would just like to
17 clarify some issues. Are there distributors that
18 are located outside of the District of Columbia
19 that do not require importation permits?

20 MR. LEFTWICH: There are companies -- what main
21 warehouses, outside of the District of Columbia
22 that have applied with the Board to distribute

1 within the District of Columbia but they have the
2 proper license to do it.

3 MR. SHAPIRO: Okay, is that -- so they
4 get like a waiver or something from ABRA or from
5 the Board?

6 MR. LEFTWICH: Yes.

7 MR. SHAPIRO: Okay. Is Global Alliance
8 of Virginia a company that is -- has a license
9 that would be exempt from I guess having
10 importation permits in the District of Columbia?

11 MR. LEFTWICH: Based on my research of
12 ABRA records kina 1:01:09] and in speaking with
13 the licensing specialist, no, Global Wines in
14 Virginia is not authorized to distribute within
15 the District of Columbia without importation
16 permits.

17 MR. SHAPIRO: And also, I guess can you
18 explain to the Board the process for obtaining an
19 importation permit for a company that would be
20 required to have one?

21 MR. LEFTWICH: I actually do not know
22 because that's something that would be handled in

1 the licensing division.

2 MR. SHAPIRO: Okay.

3 MR. LEFTWICH: So, I don't feel
4 comfortable speaking on any specifics.

5 MR. SHAPIRO: Well, let me ask you this
6 question. Is it your understanding that the
7 licensee needs to obtain importation permits? Or
8 is it that the distributor needs to do it, obtain
9 that?

10 MR. LEFTWICH: It's the responsibility of
11 the distributor to have the importation permit
12 and deliver it, it's the responsibility of the
13 licensee to only accept invoices as well as the
14 alcoholic beverages with the importation permits
15 if they're coming from outside of the District of
16 Columbia.

17 MR. SHAPIRO: Okay.

18 MR. LEFTWICH: And other, in some
19 instances where sometimes a company is far --
20 I've seen some companies take it upon themselves
21 to come and get their importation permits and
22 deliver them to the company, they deliver it.

1 That's something I believe that happens in house
2 with the agreement that they have with the
3 company and the licensee, but from my knowledge
4 and understanding of the actual regulation, the
5 responsibility on the licensee is to only accept
6 alcoholic beverages outside of the District of
7 Columbia with the importation -- with the
8 importation permit attached to it.

9 MR. SHAPIRO: So, it's your response --
10 it's your understanding that it's the
11 responsibility of the licenses to only review the
12 invoice and if the address or their warehouse is
13 outside of the District of Columbia deny the
14 order if it does not have the required
15 importation permit.

16 MR. SHAPIRO: Okay, and are you aware of
17 any time limits that the licensee would have to
18 maintain the importation permits for?

19 MR. LEFTWICH: Three years.

20 MR. SHAPIRO: That's all I have.

21 MS. MILLER: I'm sorry, Mr. Chair, I
22 didn't hear how long.

1 CHAIRPERSON ANDERSON: Three years.

2 MS. MILLER: Thank you.

3 CHAIRPERSON ANDERSON: All right, Mr.
4 Sharma, do you have any questions of Mr. Leftwich
5 based on the questions that were just asked by
6 Mr. Shapiro?

7 MR. LEFTWICH: I've already explained --

8 CHAIRPERSON ANDERSON: No, but -- I know
9 but the way it goes is that you can still ask him
10 questions based on what he just said.

11 MR. SHARMA: No, I would have a
12 repetition of what I said anyway, so, no I don't
13 have any questions.

14 CHAIRPERSON ANDERSON: All right, fine,
15 thanks. Questions by the Board? Yes, Mr.
16 Alberti.

17 MR. ALBERTI: Mr. Leftwich, so you
18 testified that according to ABRA records there's
19 no Global Wines in Virginia that's licensed to
20 distribute in the district, is that correct?

21 MR. LEFTWICH: Correct. Searching ABRA
22 records there is Global Wine Distributors but I

1 was -- I cannot find that their license was still
2 active. The last activity that I saw on this
3 level was 2011.

4 MR. ALBERTI: So, what you're talking
5 about, you just found? You said Global Wines.
6 You said import --

7 MR. LEFTWICH: I'm separating Global Wine
8 Distributors and Global Wine Distributors of
9 Virginia.

10 MR. ALBERTI: Okay, so at one time there
11 was a Global Wines Distributor in the district --
12 licensed in the district with a district address?

13 MR. LEFTWICH: Yes.

14 MR. ALBERTI: Okay. And you said when
15 was the last time it was active according to our
16 records?

17 MR. LEFTWICH: 2011.

18 MR. ALBERTI: Okay. So, this is the
19 obvious but I'll state it, so I can assume
20 correctly that there is not and has not for the -
21 - there was not in 2015 a Global Wines
22 Distributor -- Distributions, registered within

1 the district with a district address.

2 MR. LEFTWICH: Correct.

3 MR. ALBERTI: Thank you very much. No
4 further questions.

5 CHAIRPERSON ANDERSON: Ms. Miller.

6 MS. MILLER: Thank you. I have just a
7 couple. Mr. Leftwich I'm not sure if I
8 understood you correctly when you were responding
9 to the -- you have three years to get your
10 permits?

11 MR. LEFTWICH: No.

12 MS. MILLER: No. Three years what?

13 MR. LEFTWICH: In general in a regulatory
14 inspection what we're looking for on the
15 responsibility of the licensees are to ensure
16 that they have books and records including those
17 invoices on site for a minimum of three years and
18 along with that if you are using companies
19 outside of the District of Columbia those
20 importation permits are also required to be
21 stored along with those invoices for the same
22 three years.

1 MS. MILLER: Oh, okay. So, you were
2 talking about the law that I'm familiar with that
3 they need to maintain these records for three
4 years.

5 MR. LEFTWICH: Yes, ma'am.

6 MS. MILLER: Not they -- oh, they didn't
7 have their permit in 2015 they have until 2018 to
8 get it.

9 MR. LEFTWICH: Correct.

10 MS. MILLER: Okay, and as part of your
11 investigation when you discover there weren't
12 permits where there should have been did you
13 follow up with the Global Wines of Virginia or
14 any of these?

15 MR. LEFTWICH: Just as Mr. -- I can't
16 remember your last name --

17 MS. MILLER: Sharma.

18 MR. LEFTWICH: -- Sharma stated, I was --
19 after we had the dialogue there, I was a part of
20 the googling and searching and I was there when
21 he called, so I assisted in trying to get in
22 contact with someone while we were there, so I

1 didn't follow up post -- like when I left the
2 establishment because I was there when I googled
3 and I searched myself. As you all stated when
4 looking at the invoice there's no address on it
5 at all, so I couldn't even -- I couldn't
6 determine that even if the ones labeled as D.C.
7 if they had a D.C. address, so I was looking in
8 general just to find out, okay well where is
9 their home base? Is it home based in Virginia and
10 they have a warehouse in D.C. or do they have a
11 warehouse in D.C. and then you got something from
12 Virginia, so I was there trying to assist in even
13 him figuring out where the company was and, as he
14 stated, I couldn't find anything while I was
15 standing there with him.

16 MS. MILLER: So, you couldn't find --
17 well, you couldn't find if there was a D.C.
18 company, correct?

19 MR. LEFTWICH: Yes, correct.

20 MS. MILLER: Could you also not find that
21 there was a Virginia company at this point?

22 MR. LEFTWICH: Correct, no.

1 MS. MILLER: Okay. Anything else that
2 you found out about the company that's relevant?
3 No. Okay. Thank you very much.

4 MR. LEFTWICH: Mm hmm.

5 CHAIRPERSON ANDERSON: Any other
6 questions by any of the Board members? All right.
7 I have to ask you this, Mr. Sharma, you can
8 always say no. Do you have any other questions
9 for Mr. Leftwich based on the questions that were
10 asked by the Board?

11 MR. SHARMA: No, sir.

12 CHAIRPERSON ANDERSON: Mr. Shapiro?

13 MR. SHAPIRO: No further questions.

14 CHAIRPERSON ANDERSON: Thank you, Mr.
15 Leftwich, you may be seated. Mr. Sharma, do you
16 have -- I'm sorry -- all right, does the
17 government have a rebuttal of any of the
18 witnesses?

19 MR. SHAPIRO: No, Mr. Chairman.

20 CHAIRPERSON ANDERSON: All right, does
21 the government wish to make a closing statement?

22 MR. SHAPIRO: Yes, Mr. Chairman.

1 Briefly, the evidence presented today clearly
2 demonstrates that there was a failure of the
3 licensee to obtain, or even accept, alcoholic
4 beverages without the proper importation permits
5 under 25-119 and its companion in the DCMR 23-
6 1301.1.

7 It's the obligation of the licensee to
8 make sure that there are importation permits.
9 It's not the obligation of the distributor, it's
10 the obligation of the licensee. That's kind of
11 bolstered by the fact that there is this citation
12 that was issued in 2012 providing Mr. Sharma
13 himself a warning for not having the proper
14 importation permits. While I accept what Mr.
15 Sharma is saying to be accurate, there's no
16 reason to doubt it that the Global Wines might
17 not -- might not be an actual company that I
18 guess is still in existence, that is the
19 responsibility of the licensee himself to make
20 sure that 1) who he's doing business with is
21 valid and also 2) that he's receiving the proper
22 permits.

1 Now, if there's an action for fraud, I'm
2 sympathetic to that but this isn't the right
3 venue to do it. Right now the only issue
4 presented before ABRA is whether or not the
5 beverages noted in the very least defense Exhibit
6 1 had importation permits and it's quite clear
7 from the evidence from Mr. Sharma's own admission
8 on the date of the regulatory inspection, and
9 testimony further today, that there were not
10 importation permits with those beverages.

11 Now, getting into an argument as to
12 whether or not Global Wines of D.C. is actually
13 about the company is kind of a distraction from
14 the issue that there were beverages purchased
15 outside of the District of Columbia by a non-
16 licensed entity that didn't have the importation
17 permits. There's been no dispute as to that.
18 That's the district's case.

19 CHAIRPERSON ANDERSON: And if the Board
20 was to agree, what fine or charge are you
21 requesting?

22 MR. SHAPIRO: Whatever the statutory

1 guidelines are. I believe this is a first
2 primary tier violation which would carry
3 guidelines of between \$1000 and \$2000.

4 CHAIRPERSON ANDERSON: Okay, that's fine.
5 Mr. Sharma do you wish to -- this is your chance
6 to wrap up your case.

7 MR. SHARMA: Yes, sir, I -- my thing is
8 that if you are a victim of a fraud or which I
9 think it clearly says, even Mr. Leftwich said
10 that he did the research on the company and it
11 doesn't exist. Now, I don't know that it -- the
12 company doesn't exist and I'm 101% sure that
13 this company dealt with a lot of people and they
14 all of them would probably be in the same boat
15 and also I think that you know, we small people,
16 cannot go after these big companies. I think
17 ABRA should investigate and get them all so that,
18 you know, so that other people will not be
19 victimized. I understand that I should have
20 checked the other invoice but because our normal
21 understanding of every detail it looked at first
22 invoice, okay he's a genuine person, we've got

1 his address, he has a D.C. address. And I can
2 assure you that if somebody wants to just give
3 them a first invoice, they will see that, the
4 people who cheat, they are always one step ahead
5 of you. So, I mean I will still respect the
6 Board's decision, but I do feel that I'm
7 victimized here. Thank you, sir.

8 CHAIRPERSON ANDERSON: The record is now
9 closed. Do the parties wish to file proposed
10 findings of fact and conclusions of law or waive
11 their right to do so? What I'm asking is that do
12 you want to wait until the transcript is issued?
13 That maybe the transcript of the hearing is
14 written and that you would review that and make
15 some findings or you just want the Board to make
16 a decision based on the presentation today.

17 MR. SHARMA: You can make the decision.
18 I'm already ready.

19 CHAIRPERSON ANDERSON: Mr. Shapiro?

20 MR. SHAPIRO: The district will waive.

21 CHAIRPERSON ANDERSON: As chairperson of
22 the Alcoholic Beverage Control Board for the

1 District of Columbia and in accordance with D.C.
2 section 405-B4 of the Open Meetings Amendment Act
3 of 2010, I move that the ABC Board hold a closed
4 meeting for the purpose of seeking legal advice
5 from our counsel on Case #15-CMP-000811, Crown
6 Liquors, per section 405 B4 of the Open Meetings
7 Amendment Act of 2010 and deliberating upon case
8 #15-CMP-000811, Crown Liquors, for the reasons
9 cited in section 405 B13 of the Open Meetings
10 Amendment Act of 2010. Is there a second?

11 MS. MILLER: Second.

12 CHAIRPERSON ANDERSON: Ms. Miller has
13 seconded the motion. I will now take a roll call
14 vote on the motion before us now that it has been
15 seconded, Ms. Miller?

16 MS. MILLER: I agree.

17 CHAIRPERSON ANDERSON: Mr. Alberti?

18 MR. ALBERTI: I agree.

19 CHAIRPERSON ANDERSON: Mr. Short?

20 MR. SHORT: I agree.

21 CHAIRPERSON ANDERSON: Mr. Silverstein?

22 MR. SILVERSTEIN: I agree.

1 CHAIRPERSON ANDERSON: Mr. Anderson? I
2 agree. It appears that the motion has passed I
3 hereby give notice that the ABC Board will hold a
4 closed meeting in the ABC Board Conference Room
5 pursuant to the Open Meetings Amendment Act of
6 2010 and issue an order within 90 days. We'll
7 issue a decision within 90 days. Thank you for
8 your presentation, sir. The Board will be in
9 recess until our 4:30 hearing.

10

11 (Whereupon, the above-entitled matter was
12 concluded.)

13